

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

*

Plaintiff,

*

v.

Cr. No. 21-20107-TLP

MOUMEN MAWLAWI,

*

Defendant.

*

MOTION IN LIMINE

Comes now the defendant, Moumen Mawlawi, by and through his counsel of record, Serena R. Gray, submits the following motion in limine for determination by the Court:

1. Defendant moves this Court to Order that the government not be allowed to introduce evidence of “Crimes, Wrongs, or Other Acts” by the defendant pursuant to FRE 404(b). The defense has not received any notice of the government’s intention to use any such evidence at this time. The defense requested notice of government’s intention to use such evidence in its Rule 16 Discovery Request, filed November 4, 2021 (Docket No. 15).

2. Defendant moves this Court to Order that should Mr. Mawlawi exercise his constitutional right to testify, the government not be allowed to question Mr. Mawlawi about specific pending cases and circumstances of those charges when attempting to impeach him. Asking Mr. Mawlawi about the specific circumstances of any pending charges, in which he is presumed innocent, could confuse the jury and prejudice the jury against Mr. Mawlawi pursuant to FRE 403.
3. Defendant moves this Court to Order that the government not be allowed to introduce incomplete recordings/ statements pursuant to FRE 106. Mr. Mawlawi anticipates that the government will attempt to admit incomplete recordings of two phone calls.

Federal Rule of Evidence 106 provides: “If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction at that time, of any other part – or any other writing or recorded statement – that in fairness ought to be considered at the same time.” Fed. R. Evid. 106.

3. Defendant moves this Court to Order that the government not be allowed to use any prior statements of Mr. Mawlawi in either its case in chief or as rebuttal proof that have not been provided to defense at this time. The defense requested all such statements in its Rule 16 Discovery Request (Docket No. 15). The government has not provided proof of statements or any phone recordings or indicated the existence of such at this time.

Respectfully Submitted,

DORIS RANDLE-HOLT
FEDERAL DEFENDER

/s/ Serena R. Gray
Assistant Federal Defender
200 Jefferson Ave., Suite 200
Memphis, TN 38103
(901) 544-3895

CERTIFICATE OF SERVICE

I, Serena R. Gray, certify that a true copy of the foregoing Motion in Limine was forwarded via the Court's electronic filing system to Ms. Karen Hartridge, Assistant United States Attorney, 167 North Main, Suite 800, Memphis, Tennessee, 38103.

This, the 21st day of February, 2022.

/s/ Serena R. Gray
Assistant Federal Defender